



House of Representatives

General Assembly

File No. 501

February Session, 2018

House Bill No. 5515

House of Representatives, April 16, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE AUTHORITY OF A ZONING COMMISSION TO REGULATE THE BRIGHTNESS AND ILLUMINATION OF ADVERTISING SIGNS AND BILLBOARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the 2018 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2018*):

4 (a) The zoning commission of each city, town or borough is
5 authorized to regulate, within the limits of such municipality, the
6 height, number of stories and size of buildings and other structures;
7 the percentage of the area of the lot that may be occupied; the size of
8 yards, courts and other open spaces; the density of population and the
9 location and use of buildings, structures and land for trade, industry,
10 residence or other purposes, including water-dependent uses, as
11 defined in section 22a-93, and the height, size, [and] location,
12 brightness and illumination of advertising signs and billboards. Such
13 bulk regulations may allow for cluster development, as defined in

14 section 8-18. Such zoning commission may divide the municipality
15 into districts of such number, shape and area as may be best suited to
16 carry out the purposes of this chapter; and, within such districts, it
17 may regulate the erection, construction, reconstruction, alteration or
18 use of buildings or structures and the use of land. All such regulations
19 shall be uniform for each class or kind of buildings, structures or use of
20 land throughout each district, but the regulations in one district may
21 differ from those in another district, and may provide that certain
22 classes or kinds of buildings, structures or uses of land are permitted
23 only after obtaining a special permit or special exception from a zoning
24 commission, planning commission, combined planning and zoning
25 commission or zoning board of appeals, whichever commission or
26 board the regulations may, notwithstanding any special act to the
27 contrary, designate, subject to standards set forth in the regulations
28 and to conditions necessary to protect the public health, safety,
29 convenience and property values. Such regulations shall be made in
30 accordance with a comprehensive plan and in adopting such
31 regulations the commission shall consider the plan of conservation and
32 development prepared under section 8-23. Such regulations shall be
33 designed to lessen congestion in the streets; to secure safety from fire,
34 panic, flood and other dangers; to promote health and the general
35 welfare; to provide adequate light and air; to prevent the
36 overcrowding of land; to avoid undue concentration of population and
37 to facilitate the adequate provision for transportation, water, sewerage,
38 schools, parks and other public requirements. Such regulations shall be
39 made with reasonable consideration as to the character of the district
40 and its peculiar suitability for particular uses and with a view to
41 conserving the value of buildings and encouraging the most
42 appropriate use of land throughout such municipality. Such
43 regulations may, to the extent consistent with soil types, terrain,
44 infrastructure capacity and the plan of conservation and development
45 for the community, provide for cluster development, as defined in
46 section 8-18, in residential zones. Such regulations shall also encourage
47 the development of housing opportunities, including opportunities for
48 multifamily dwellings, consistent with soil types, terrain and

49 infrastructure capacity, for all residents of the municipality and the
50 planning region in which the municipality is located, as designated by
51 the Secretary of the Office of Policy and Management under section
52 16a-4a. Such regulations shall also promote housing choice and
53 economic diversity in housing, including housing for both low and
54 moderate income households, and shall encourage the development of
55 housing which will meet the housing needs identified in the state's
56 consolidated plan for housing and community development prepared
57 pursuant to section 8-37t and in the housing component and the other
58 components of the state plan of conservation and development
59 prepared pursuant to section 16a-26. Zoning regulations shall be made
60 with reasonable consideration for their impact on agriculture, as
61 defined in subsection (q) of section 1-1. Zoning regulations may be
62 made with reasonable consideration for the protection of historic
63 factors and shall be made with reasonable consideration for the
64 protection of existing and potential public surface and ground
65 drinking water supplies. On and after July 1, 1985, the regulations shall
66 provide that proper provision be made for soil erosion and sediment
67 control pursuant to section 22a-329. Such regulations may also
68 encourage energy-efficient patterns of development, the use of solar
69 and other renewable forms of energy, and energy conservation. The
70 regulations may also provide for incentives for developers who use
71 passive solar energy techniques, as defined in subsection (b) of section
72 8-25, in planning a residential subdivision development. The
73 incentives may include, but not be limited to, cluster development,
74 higher density development and performance standards for roads,
75 sidewalks and underground facilities in the subdivision. Such
76 regulations may provide for a municipal system for the creation of
77 development rights and the permanent transfer of such development
78 rights, which may include a system for the variance of density limits in
79 connection with any such transfer. Such regulations may also provide
80 for notice requirements in addition to those required by this chapter.
81 Such regulations may provide for conditions on operations to collect
82 spring water or well water, as defined in section 21a-150, including the
83 time, place and manner of such operations. No such regulations shall

84 prohibit the operation of any family child care home or group child
85 care home in a residential zone. No such regulations shall prohibit the
86 use of receptacles for the storage of items designated for recycling in
87 accordance with section 22a-241b or require that such receptacles
88 comply with provisions for bulk or lot area, or similar provisions,
89 except provisions for side yards, rear yards and front yards. No such
90 regulations shall unreasonably restrict access to or the size of such
91 receptacles for businesses, given the nature of the business and the
92 volume of items designated for recycling in accordance with section
93 22a-241b, that such business produces in its normal course of business,
94 provided nothing in this section shall be construed to prohibit such
95 regulations from requiring the screening or buffering of such
96 receptacles for aesthetic reasons. Such regulations shall not impose
97 conditions and requirements on manufactured homes having as their
98 narrowest dimension twenty-two feet or more and built in accordance
99 with federal manufactured home construction and safety standards or
100 on lots containing such manufactured homes which are substantially
101 different from conditions and requirements imposed on single-family
102 dwellings and lots containing single-family dwellings. Such
103 regulations shall not impose conditions and requirements on
104 developments to be occupied by manufactured homes having as their
105 narrowest dimension twenty-two feet or more and built in accordance
106 with federal manufactured home construction and safety standards
107 which are substantially different from conditions and requirements
108 imposed on multifamily dwellings, lots containing multifamily
109 dwellings, cluster developments or planned unit developments. Such
110 regulations shall not prohibit the continuance of any nonconforming
111 use, building or structure existing at the time of the adoption of such
112 regulations. Such regulations shall not provide for the termination of
113 any nonconforming use solely as a result of nonuse for a specified
114 period of time without regard to the intent of the property owner to
115 maintain that use. Such regulations shall not terminate or deem
116 abandoned a nonconforming use, building or structure unless the
117 property owner of such use, building or structure voluntarily
118 discontinues such use, building or structure and such discontinuance

119 is accompanied by an intent to not reestablish such use, building or
120 structure. The demolition or deconstruction of a nonconforming use,
121 building or structure shall not by itself be evidence of such property
122 owner's intent to not reestablish such use, building or structure. Unless
123 such town opts out, in accordance with the provisions of subsection (j)
124 of section 8-1bb, such regulations shall not prohibit the installation of
125 temporary health care structures for use by mentally or physically
126 impaired persons in accordance with the provisions of section 8-1bb if
127 such structures comply with the provisions of said section. Any city,
128 town or borough which adopts the provisions of this chapter may, by
129 vote of its legislative body, exempt municipal property from the
130 regulations prescribed by the zoning commission of such city, town or
131 borough; but unless it is so voted municipal property shall be subject
132 to such regulations.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2018	8-2(a)
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which specifies that municipalities may regulate the brightness and illumination of advertising signs and billboards, has no fiscal impact. It is not anticipated to increase the cost of enforcing zoning regulations.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5515*****AN ACT CONCERNING THE AUTHORITY OF A ZONING COMMISSION TO REGULATE THE BRIGHTNESS AND ILLUMINATION OF ADVERTISING SIGNS AND BILLBOARDS.*****SUMMARY**

This bill specifically authorizes municipalities, through their zoning regulations, to regulate the brightness and illumination of advertising signs and billboards. The authorization applies to municipalities exercising zoning powers under CGS § 8-2.

Existing law, unchanged by the bill, authorizes municipalities to (1) regulate the placing, erecting, or keeping of signs on or over sidewalks, streets, and other public places and (2) adopt zoning regulations concerning the height, size, and location of advertising signs and billboards (CGS §§ 7-148(c)(7) and 8-2(a)).

EFFECTIVE DATE: July 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 2 (04/02/2018)